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IN THE

Supreme Court of the United States

OCTOBER TERM, 1962

No. 133

DANIEL ALTON WILLIAMS, *Petitioner,*

v.

EUGENE M. ZUCKERT, Secretary of the Air Force, *et al., Respondents.*

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

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SUPPLEMENT TO PETITION FOR REHEARING

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On February 15 and 16, 1963 petitioner's counsel received the affidavits annexed hereto as Exhibits B and C.

Exhibit B is an affidavit from Irving P. Andrews, Esq., the attorney who represented petitioner before the Civil Service Commission. In this affidavit, Mr. Andrews avers that the Air Force had notice of petitioner's request for the production of witnesses (Ex. A to Petition for Rehearing) and that prior to the hearing before the Appeals Examiner, Tenth Civil Service Region, Robert M. Sefranka, Investigator, U. S. Civil Service Commission, informed him "by

telephone that the demand for the production of witnesses had been rejected by Captain Roger P. Fox, Provost Marshal and spokesman for the Superintendent of the Air Force Academy * * *."

Exhibit C is an affidavit from Curtis L. Stevens, former Airman second-class, United States Air Force, and one of the three witnesses petitioner requested that the Air Force produce at the hearing before the Appeals Examiner, Tenth Civil Service Region (Petition for Rehearing, p. 6). In this affidavit, Mr. Stevens avers that he was informed by Captain Fox, Provost Marshal, Air Force Academy "that the Affidavit executed by me on April 24, 1959, would be adequate for the purposes of the hearing on May 5, 1959, and that my personal appearance there would not be necessary."

These affidavits refute the Solicitor General's post-argument representations made to this Court on December 13, 1962, and underscore the error of the summary disposition below (see Petition for Rehearing, p. 4).

CONCLUSION

By reason of the foregoing, the petition for rehearing should be granted, the judgment below should be reversed and the case remanded for a full hearing consistent with the opinion of this Court.

Respectfully submitted,

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